

Todd M. Schneider (SBN 158253)  
Matthew S. Weiler (SBN 236052)  
Sunny S. Sarkis (SBN 258073)  
**SCHNEIDER WALLACE**  
**COTTRELL KONECKY LLP**  
2000 Powell Street, Suite 1400  
Emeryville, CA 94608  
Telephone: (415) 421-7100  
TSchneider@schneiderwallace.com  
MWeiler@schneiderwallace.com  
SSarkis@schneiderwallace.com

Jason H. Kim (SBN 220279)  
**SCHNEIDER WALLACE**  
**COTTRELL KONECKY LLP**  
300 S. Grand Ave., Suite 2700  
Los Angeles, California 90071  
Telephone: (415) 421-7100  
JKim@schneiderwallace.com

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

MARK YOUNG, on behalf of himself and all  
other similarly situated,

Plaintiff,

v.

SOLANA LABS, INC.; THE SOLANA  
FOUNDATION; ANATOLY YAKOVENKO;  
MULTICOIN CAPITAL MANAGEMENT  
LLC; KYLE SAMANI,

Defendants.

Case No. 3:22-cv-03912-RFL

**PLAINTIFF MARK YOUNG'S  
REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF OPPOSITION TO  
SOLANA LABS, INC.'S MOTION TO  
DISMISS PLAINTIFF'S  
CONSOLIDATED AMENDED CLASS  
ACTION COMPLAINT**

Judge: Hon. Rita F. Lin  
Date: August 6, 2024  
Time: 10:00 a.m.  
Court: Courtroom 15 – 18<sup>th</sup> Floor

**REQUEST FOR JUDICIAL NOTICE**

Pursuant to Rule 201 of the Federal Rules of Evidence, Plaintiff Mark Young (“Young”) respectfully requests that the Court take judicial notice of the contents of the following documents which are not subject to reasonable dispute and are attached as exhibits to the Declaration of Matthew S. Weiler in Support of Plaintiff Mark Young’s Opposition to Solana Lab’s Motion to Dismiss Plaintiff’s Consolidated Amended Class Action Complaint (“Weiler Decl.”):

<b>Weiler Decl. Ex.</b>	<b>Document</b>
<b>1</b>	Printout from Exodus Movement webpage concerning how to swap crypto assets, available at <a href="https://www.exodus.com/support/en/articles/8598630-how-do-i-swap-crypto-in-exodus-swap">https://www.exodus.com/support/en/articles/8598630-how-do-i-swap-crypto-in-exodus-swap</a> (last visited May 13, 2024).
<b>2</b>	Printout from Yahoo Finance reflecting SOL securities price at 2:14 pm on May 10, 2024, <a href="https://www.finance.yahoo.com/quote/SOL-USD">https://www.finance.yahoo.com/quote/SOL-USD</a> (last visited May 13, 2024).

**DISCUSSION**

Under Federal Rule of Evidence 201, a court may take judicial notice of “a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). The court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c). Each of the documents identified above can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned and therefore this Court should take judicial notice of them.

**Exhibits 1 and 2** are website downloads from Exodus Movement and Yahoo through publicly available internet pages. This is the type of material courts may judicially notice. A court

“may take judicial notice of the fact that an internet article is available to the public, but they may not take judicial notice of the truth of the matters asserted . . . .” *Nelson Bros. Prof'l Real Estate LLC v. Jaussi*, 2017 U.S. Dist. LEXIS 219769 (C.D. Cal. Mar. 23, 2017) (citing *Spy Optic, Inc. v. Alibaba.com, Inc.*, 163 F. Supp. 3d 755, 762 (C.D. Cal. 2015) (granting request for judicial notice of web pages on defendant’s website)); *Kim v. Kihwan Yoon*, 2021 U.S. Dist. LEXIS 185924, \*3 (N.D. Cal., Sept. 28, 2021) (“Information about the stock price of publicly traded companies, including such information in the form of a stock price chart from Yahoo! Finance, is the proper subject of judicial notice”).

Exhibit 1 contains screen shots and videos that describe how to use the Exodus platform to purchase crypto assets. Exhibits 1 is appropriate for judicial notice because they describe the functioning and design of the Exodus platform used by Plaintiff Young. *See Knievel v. ESPN*, 393 F.3d 1068, 1076 (9th Cir. 2005) (taking judicial notice of a screenshot of the webpage containing an allegedly defamatory even though it was never referenced directly in the complaint). Judicial notice may be taken concerning internet web pages that show the “overall functioning and design of [an] app” such as Exodus. *Fife v. Sci. Games Corp.*, 2018 U.S. Dist. LEXIS 212908, \*6 (W.D. Wash Dec. 18, 2018).

Dated: May 13, 2024.

**SCHNEIDER WALLACE  
COTTRELL KONECKY LLP**

Matthew S. Weiler

Todd M. Schneider (SBN 158253)

Matthew S. Weiler (SBN 236052)

Sunny S. Sarkis (SBN 258073)

2000 Powell Street, Suite 1400

Emeryville, CA 94608

Telephone: (415) 421-7100

tschneider@schneiderwallace.com

mweiler@schneiderwallace.com

ssarkis@schneiderwallace.com